



Robert Barchiesi II - Attorney at Law

September 19, 2022

VIA ECF

Hon. Vernon S. Broderick
United State District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

RE: Beyond Bespoke Tailors, Inc. v. James Barchiesi / James Barchiesi v. Roth
1:20-cv-05482

Dear Judge Broderick:

This office represents Defendant James R. Barchiesi in the above-captioned matter. Pursuant to your Honor's Individual Practices in Civil Cases 5(b)(i) and (iii), the undersigned moves before this Court on letter motion to seal exhibits (7), (9) and (11) at Doc. 140, for the reasons set forth below.

Through inadvertence or mistake, it appears an account number contained in Exhibit (7) was not redacted, while (9) and (11) were scrubbed of any identifying account information. Such documents are marked as confidential, and by agreement of the parties, pursuant to the March 08, 2021, protective order in this case, the undersigned hereby requests that such confidential materials be sealed for purposes of the confidentiality of the parties.

While, generally, the parties' consent or the fact that information is subject to a confidentiality agreement between litigants is not, by itself, a valid basis to overcome the presumption in favor of public access to judicial documents. See, e.g., *In re Gen. Motors LLC Ignition Switch Litig.*, No. 14-MD2543 (JMF), 2015 WL 4750774, at *4 (S.D.N.Y. Aug. 11, 2015). The undersigned believes that the request to seal the three exhibits is narrowly tailored to further protect confidentiality interest of the parties and the materials in question. See, e.g., *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119-20 (2d Cir. 2006).

Wherefore, Defendant respectfully requests this Honorable Court seal Exhibits (7), (9) and (11) at Doc. 140.

Respectfully,

By:/s/ Robert C. Barchiesi

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